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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,927	06/19/2003	Chien-Chung Han	HAN0302	6209

22192 7590 08/26/2005

LAW OFFICE OF LIAUH & ASSOC.  
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HONOLULU, HI 96816

EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/600,927

Applicant(s)

HAN, CHIEN-CHUNG

Examiner

Christopher P. Bruenjes

Art Unit

1772

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 15 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see continuation sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-23.  
Claim(s) withdrawn from consideration: 24-38.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

**ADVISORY ACTION**

***Acknowledgement of Applicants Amendments***

1. The amendments made in the claims in the Paper filed August 15, 2005, have not been entered due to the fact that they raise new issues that would require further consideration and/or search. Specifically, the limitation "which share a common wall" changes the scope of the claim from the fact that the tubes are intimately adjoined. Intimately adjoined does not require that the carbonized carbon tubes share a common wall. Furthermore, the limitation that the tubes share a common wall is inconsistent with claim 3, which requires a polymer, resin, oligomer, adhesive, etc. as a binding agent for binding the tubes together. Claim 3 is taught in the drawings in Step 204 of Figure 2, in which an adhesive material is found between the tubes. Also there is no mention in the specification as to how the binding agents of claim 3, can be used and the carbon tubes share a common wall. The support for claim 3 in the specification on pages 9 and 11-12 does not support the binding element being used for any purpose except between the tubes. Specifically, on page 11 line 21 through page 12 line 1 of the instant specification, it is stated that "the resultant assembled carbon tube structures may mainly consist of

Art Unit: 1772

individually well-defined carbon tubes that are bound or connected with each other by the above said interfacial binding elements at the contacted surfaces." An interpretation of "which share a common wall" that remains consistent with the dependent claims and the specification is that in the final product after carbonization the tubes share a common wall because the binding element between the tubes and the coatings on the removed fibers are carbonized and therefore are all one wall of carbon. Based on this interpretation, which is based on the description of Figure 2 and pages 9 and 11-12, which describe the assembly using the binding elements claimed in claim 3, whether or not prior to carbonization the assembled structure shares a common wall is not germane to the claimed invention. Furthermore, the claims do not limit the thickness of the shared wall of the carbonized carbon tubes. Therefore, the limitation raises new issues with regard to 35 U.S.C. 112 indefiniteness of some of the dependent claims and further consideration is required to determine whether the currently cited prior art still reads on the claimed invention, in light of the fact that a thickness of the tube wall is not claimed and that an adhesive that has been fully carbonized along with the sheath would form a single wall between the openings of the individual tubes. Additionally, the limitation that the tubes

Art Unit: 1772

share a common wall is narrower than intimately adjoined and therefore also may require further search.

***ANSWERS TO APPLICANT'S ARGUMENTS***

2. Applicant has not specifically argued the claimed invention over the prior art, instead relying on the amendment to differentiate over the prior art. However, the amendment has not been entered for the reasons presented above.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes  
Examiner  
Art Unit 1772

CPB  
CPB  
August 24, 2005

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

8/24/05